IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)
	) Confirmation No: 4046
Christopher W. Preist, *et al.*	)
	) Group Art Unit: 3692
Serial No.: 10/035,700	)
	) Examiner: Poinvil, Frantzy
Filed: October 29, 2001	)
	) Atty. Docket No.: 30010014-2
For: Method and Apparatus for Negotiation	)

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed October 3, 2007, responding to the final Office Action mailed July 5, 2007.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 1-26 stand finally rejected. No claims have been allowed. The rejections of claims 1-26 are appealed.

IV. Status of Amendments

This application was originally filed on October 29, 2001, with twenty-six (26) claims. In a Response filed June 15, 2006, Applicants amended claims 1, 12, 18, 19, and 23. In a Response filed October 25, 2006, Applicants presented remarks without any claim amendments. In a Response filed April 5, 2007,

Applicants amended claims 1, 12, 18, 19, and 23. The claims in the attached Claims Appendix (see below) reflect the present state of Applicants' claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 1 describe a computer system for allowing negotiation between a plurality of entities (Figure 1, 6-20). The computer system (Figure 1, 2) comprises a computer network having a plurality of computer nodes (Figure 1, 4-20) and a computer node (Figure 1, 4) being arranged to define the negotiation between the entities (Figure 1, 6-20) with a set of negotiation activities. Applicants' specification, page 7, lines 11-21. The computer node (Figure 1, 4) is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms. Applicants' specification, page 5, lines 18-20. Each rule set constrains the set of negotiation activities to a specific negotiation type and provides a framework for determining an outcome in the negotiation, thereby allowing an entity (Figure 1, 6-20) to select at least one of a plurality of negotiation types to establish the framework. Applicants' specification, page 5, lines 18-20. The selected negotiation rule set is used to validate proposals submitted by participants in the negotiation.

Applicants' specification, page 16, lines 2-7. The computer node (Figure 1, 4) matches compatible proposals in accordance with rules defined in the selected negotiation rule set and forms an agreement. Applicants' specification, page 17, lines 3-6.

Embodiments according to independent claim 12 describe a computer node (Figure 1, 4) for coupling to a computer system (Figure 1, 2) to allow negotiation between a plurality of entities (Figure 1, 6-20). Applicants' specification, page 7, lines 11-21. The computer node (Figure 1, 4) comprises a processor (Figure 1, 22). Applicants' specification, page 7, lines 9-20. The processor (Figure 1, 22) is arranged to define the negotiation between the entities (Figure 1, 6-20) with a set of negotiation activities. Applicants' specification, page 7, lines 11-21. The processor (Figure 1, 22) is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms. Applicants' specification, page 5, lines 18-20. Each rule set constrains the set of negotiation activities to a specific negotiation type and provides a framework for determining an outcome in the negotiation, thereby allowing an entity (Figure 1, 6-20) to select at least one of a plurality of negotiation types to establish the framework. Applicants' specification, page 5, lines 18-20. The selected negotiation rule set is used to validate proposals submitted by participants in the negotiation. Applicants' specification, page 16, lines 2-7. The computer node (Figure 1, 4) matches compatible proposals in accordance with rules defined in the selected negotiation rule set and forms an agreement. Applicants' specification, page 17, lines 3-6.

Embodiments according to independent claim 18 describe a method for selecting a negotiation type between a plurality of entities (Figure 1, 6-20) via a computer network having a plurality of computer nodes (Figure 1, 4-20). The method comprises defining in a computer node (Figure 1, 4) a set of negotiation activities and allowing an entity (Figure 1, 6-20) to select via the computer node (Figure 1, 4) at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms. Applicants' specification, page 7, lines 11-21. Each rule set constrains the set of negotiation activities to a specific negotiation type and provides a framework for determining an outcome in the negotiation, thereby allowing an entity (Figure 1, 6-20) to select at least one of a plurality of negotiation types to establish the framework. Applicants' specification, page 5, lines 18-20. The selected negotiation rule set is used to validate proposals submitted by participants in the negotiation. Applicants' specification, page 16, lines 2-7. The computer node (Figure 1, 4) matches compatible proposals in accordance with rules defined in the selected negotiation rule set and forms an agreement. Applicants' specification, page 17, lines 3-6.

Embodiments according to independent claim 19 describe a computer system (Figure 1, 2) for allowing negotiation between a plurality of entities (Figure 1, 6-20). The computer system (Figure 1, 2) comprises a computer network having a plurality of computer nodes (Figure 1, 4-20) and a computer node (Figure 1, 4) being arranged to define the negotiation between the entities (Figure 1, 6-20) with a set of negotiation activities to provide a framework for determining an outcome in the negotiation. Applicants' specification, page 7,

lines 11-21. A number of different market mechanisms are definable by different arrangements of negotiation activities. Applicants' specification, page 5, lines 18-20. The negotiation activities include a proposal validator (Figure 3, 28) for validating a proposal, received from an entity, with an agreement template. Applicants' specification, page 9, lines 4-6. A negotiation locale (Figure 3, 32) provides a validated proposal to a proposal compatibility checker (Figure 3, 34) for comparing proposals received from the negotiation locale (Figure 3, 32) to determine compatibility of received proposals to establish an agreement. Applicants' specification, page 9, lines 6-11.

Embodiments according to independent claim 23 describe a computer node (Figure 1, 4) for coupling to a computer system (Figure 1, 2) to allow negotiation between a plurality of entities (Figure 1, 6-20). Applicants' specification, page 7, lines 11-21. The computer node (Figure 1, 4) comprises a processor (Figure 1, 22). Applicants' specification, page 7, lines 9-20. The processor (Figure 1, 22) is arranged to define the negotiation between the entities (Figure 1, 6-20) with a set of negotiation activities to provide a framework for determining an outcome in the negotiation. Applicants' specification, page 7, lines 11-21. A number of different market mechanisms are definable by different arrangements of negotiation activities. Applicants' specification, page 5, lines 18-20. The negotiation activities include a proposal validator (Figure 3, 28) for validating a proposal, received from an entity, with an agreement template. Applicants' specification, page 9, lines 4-6. A negotiation locale (Figure 3, 32) provides a validated proposal to a proposal compatibility checker (Figure 3, 34)

for comparing proposals received from the negotiation locale (Figure 3, 32) to determine compatibility of received proposals to establish an agreement. Applicants' specification, page 9, lines 6-11.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejections are to be reviewed on appeal:

Claims 1-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Thiessen* (U.S. Patent No. 5,494,412).

VII. Arguments

Claims 1-26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Thiessen* (U.S. Patent No. 5,494,412). Applicants respectfully traverse this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed subject matter must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b). In the present case, not every feature of the claimed subject matter is represented in the *Thiessen* reference. Applicants discuss the *Thiessen* reference and Applicants' claims in the following.

A. The *Thiessen* Reference

Thiessen describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. *See* col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties.

B. Applicants' Claim 1

As provided in independent claim 1, Applicants claim:

> A computer system for allowing negotiation between a plurality of entities, the computer system comprising:
> a computer network having a plurality of computer nodes;
> a computer node being arranged to define the negotiation between the entities with a set of negotiation activities;
> ***wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.***

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least "wherein the computer node is operable to implement a plurality of negotiation

rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as emphasized above.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. *See* col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 1 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. Claim 1 further describes that an entity involved in a negotiation can select one of the plurality of negotiation types to

establish the framework that is used to validate proposals and match compatible proposals to form an agreement. For example, an entity could select a rule set corresponding to a double auction or one corresponding to an English auction. By selecting one rule set or another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 1, such as "wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as recited in claim 1.

In the final Office Action issued July 5, 2007, the Examiner asserts that *Thiessen* describes that a party provides various preferences and rules to determine a solution to a problem. *See* page 2. The Examiner points out that *Thiessen* discloses satisfaction functions which describe each party's relative preferences for various outcomes of each individual issue in conflict. *See* page 2. On the basis of these showings, the Examiner contends that *Thiessen* "includes a plurality of types of negotiations and users may select or provide preferences to be used as a framework to determine a solution to a problem."

See page 2. The Examiner further states that "providing an agreement including different parties having different interests and providing different proposals relating to a negotiation process in purchasing one or more items or providing one or more services as noted in Thiessen is similar to implementing a plurality of negotiation rule sets defining a plurality of market mechanisms since the computer system of Thiessen must compare and match different proposals set by all parties before arriving at a mutual and dynamic agreement." Pages 7-8. In response, Applicants respectfully disagree. For example, the act of comparing and matching different proposals is not tantamount to defining a rule set that defines how the comparing and matching processes should be implemented. Further, in the claimed subject matter, this type of framework is able to be selected in the in order to define the market mechanism that is to be used. For at least these reasons, *Thiessen* does not teach or suggest at least "wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as recited in claim 1.

Therefore, claim 1 is not anticipated by *Thiessen*, and the rejection should be overturned for at least this reason alone.

C. Applicants' Claims 2-11

Dependent claims 2-11 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-11 contain all the features of allowable independent claim 1. For at least this reason, the rejections of claims 2-11 should be overturned.

D. Applicant's Claim 12

As provided in independent claim 12, Applicants claim:

> A computer node for coupling to a computer system to allow negotiation between a plurality of entities, the computer node comprising:
>
> a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities;
>
> ***wherein the processor is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.***

(Emphasis added).

Applicants respectfully submit that independent claim 12 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least "wherein the processor is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as emphasized.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. *See* col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 12 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. Claim 12 further describes that an entity involved in a negotiation can select one of the plurality of negotiation types to establish the framework that is used to validate proposals and match compatible proposals to form an agreement. For example, an entity could select a rule set corresponding to a double auction or one corresponding to an English auction. By selecting one rule set or another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 12, such as "wherein the processor is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as recited in claim 12.

Therefore, claim 12 is not anticipated by *Thiessen*, and the rejection should overturned.

E. Applicants' Claims 13-17

Dependent claims 13-17 (which depend from independent claim 12) are allowable as a matter of law for at least the reason that dependent claims 13-17 contain all the features of allowable independent claim 12. For at least this reason, the rejections of claims 13-17 should be overturned.

F. Applicants' Claim 18

As provided in independent claim 18, Applicants claim:

> A method for selecting a negotiation type between a plurality of entities via a computer network having a plurality of computer nodes, the method comprising:
>
> defining in a computer node a set of negotiation activities;
>
> ***allowing an entity to select via the computer node at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.***

(Emphasis added).

Applicants respectfully submit that independent claim 18 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least "allowing an entity to select via the computer node at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and

providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as emphasized above.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. *See* col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 18 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. Claim 18 further describes that an entity involved in a negotiation can select one of the plurality of negotiation types to establish the framework that is used to validate proposals and match compatible proposals to form an agreement. For example, an entity could select

a rule set corresponding to a double auction or one corresponding to an English auction. By selecting one rule set or another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 18, such as "allowing an entity to select via the computer node at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement," as recited in claim 18.

Therefore, claim 18 is not anticipated by *Thiessen*, and the rejection should be overturned.

G. Applicants' Claim 19

As provided in independent claim 19, Applicants claim:

> A computer system for allowing negotiation between a plurality of entities, the computer system comprising:
> a computer network having a plurality of computer nodes;
> ***a computer node being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation;***
> ***wherein a number of different market mechanisms are definable by different arrangements of negotiation activities,***

the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least "a computer node being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement," as emphasized above.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. *See* col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select

a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 19 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. For example, one rule set may correspond to a double auction and another one may correspond to an English auction. By implementing one rule set over another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 19, such as "a computer node being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement," as recited in claim 19.

Therefore, claim 19 is not anticipated by *Thiessen*, and the rejection should be overturned.

H. Applicants' Claims 20-22

Dependent claims 20-22 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that dependent claims 20-22 contain all features of allowable independent claim 19. For at least this reason, the rejections of claims 20-22 should be overturned.

I. Applicants' Claim 23

As provided in independent claim 23, Applicants claim:

> A computer node for coupling to a computer system to allow negotiation between a plurality of entities, the computer node comprising:
>
> ***a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation;***
>
> ***wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement.***

(Emphasis added).

Applicants respectfully submit that independent claim 23 is allowable for at least the reason that *Thiessen* does not disclose, teach, or suggest at least "a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation

activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement," as emphasized above.

Rather, *Thiessen* describes an Interactive Computer-Assisted Negotiation Process Support System (ICANS) which assists parties in achieving an agreement in a multi-party negotiation. In this process, each party makes a proposal of a solution to a problem and enters preferences on each issue of the problem or dispute being negotiated. *See* col. 3, lines 18-51 and col. 5, lines 42-47. ICANS then attempts to determine a solution providing equivalent satisfaction between the parties. However, in this process, a party cannot select a framework upon which ICANS uses to determine a solution for a problem. Further, there are not multiple frameworks available to be used by ICANS in handling a negotiation. Rather, ICANS uses the same framework to handle each and every negotiation.

In contrast, claim 23 provides that a plurality of negotiation rule sets define a plurality of market mechanisms, where each rule set provides a framework for determining an outcome in a negotiation. For example, one rule set may correspond to a double auction and another one may correspond to an English auction. By implementing one rule set over another, one result or outcome may be formed over another result or outcome.

As a result, *Thiessen* does not teach or suggest at least all of the claimed features of claim 23, such as "a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation; wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement," as recited in claim 23.

Therefore, claim 23 is not anticipated by *Thiessen*, and the rejection should be overturned.

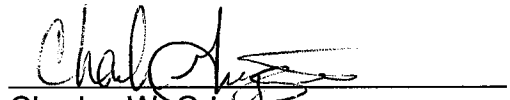
J. Applicants' Claims 24-26

Dependent claims 24-26 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that dependent claims 24-26 contain all the features of allowable independent claim 23. For at least this reason, the rejections of claims 24-26 should be withdrawn.

VIII. Conclusion

In summary, it is Applicants' position that Applicants' claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicants' pending claims.

Respectfully submitted,

By: 

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Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1. A computer system for allowing negotiation between a plurality of entities, the computer system comprising:

a computer network having a plurality of computer nodes;

a computer node being arranged to define the negotiation between the entities with a set of negotiation activities;

wherein the computer node is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.

2. A computer system according to claim 1, wherein a plurality of nodes are arranged to define the negotiation between the entities with a set of negotiation activities; wherein each of the plurality of nodes are operable to implement a plurality of negotiation rule sets.

3. A computer system according to claim 1, wherein at least one of the entities is a software negotiation agent.

4. A computer system according to claim 3, wherein the computer node incorporates the software negotiation agent.

5. A computer system according to claim 1, wherein at least one of the entities is a user.

6. A computer system according to claim 1, wherein in at least one of the entities is a negotiation host and at least another of the entities is a negotiation participant.

7. A computer system according to claim 1, wherein at least one of the rule sets constrains the negotiation activities to an auction and at least another rule set constrains the negotiation activities to a one on one negotiation.

8. A computer system according to claim 1, wherein the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement.

9. A computer system according to claim 8, wherein the negotiation activities further includes a protocol enforcer for rejecting invalid proposals.

10. A computer system according to claim 9, wherein the negotiation activities further includes an information editor for providing to the negotiation locale summarized proposal information.

11. A computer system according to claim 10, wherein the negotiation activities further includes an agreement maker for determining criteria for establishing an agreement based on the received proposals.

12. A computer node for coupling to a computer system to allow negotiation between a plurality of entities, the computer node comprising:

a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities;

wherein the processor is operable to implement a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.

13. A computer node according to claim 12, wherein at least one of the entities is a software negotiation agent.

14. A computer node according to claim 13, wherein the computer node incorporates the software negotiation agent.

15. A computer node according to claim 12, wherein at least one of the entities is a user.

16. A computer node according to claims 12, wherein in at least one of the entities is a negotiation host and at least another of the entities is a negotiation participant.

17. A computer node according to claims 12, wherein at least one of the rule sets constrains the negotiation activities to an auction and at least another rule set constrains the negotiation activities to a one on one negotiation.

18. A method for selecting a negotiation type between a plurality of entities via a computer network having a plurality of computer nodes, the method comprising:

defining in a computer node a set of negotiation activities;

allowing an entity to select via the computer node at least one of a plurality of negotiation rule sets defining a plurality of market mechanisms, each rule set constraining the set of negotiation activities to a specific negotiation type and providing a framework for determining an outcome in the negotiation, thereby allowing an entity to select at least one of a plurality of negotiation types to establish the framework, the selected negotiation rule set being used to validate proposals submitted by participants in the negotiation, the computer node matching compatible proposals in accordance with rules defined in the selected negotiation rule set and forming an agreement.

19. A computer system for allowing negotiation between a plurality of entities, the computer system comprising:

a computer network having a plurality of computer nodes;

a computer node being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation;

wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement.

20. A computer system according to claim 19, wherein the negotiation activities further includes a protocol enforcer for rejecting invalid proposals.

21. A computer system according to claim 20, wherein the negotiation activities further includes an information editor for providing to the negotiation locale summarized proposal information.

22. A computer system according to claim 21, wherein the negotiation activities further includes an agreement maker for determining criteria for establishing an agreement based on the received proposals.

23. A computer node for coupling to a computer system to allow negotiation between a plurality of entities, the computer node comprising:

a processor, the processor being arranged to define the negotiation between the entities with a set of negotiation activities to provide a framework for determining an outcome in the negotiation;

wherein a number of different market mechanisms are definable by different arrangements of negotiation activities, the negotiation activities include a proposal validator for validating a proposal, received from an entity, with an agreement template, a negotiation locale for providing a validated proposal to a proposal compatibility checker for comparing proposals received from the negotiation locale to determine compatibility of received proposals to establish an agreement.

24. A computer node according to claim 23, wherein the negotiation activities further includes a protocol enforcer for rejecting invalid proposals.

25. A computer node according to claim 24, wherein the negotiation activities further includes an information editor for providing to the negotiation locale summarized proposal information.

26. A computer node according to claim 25, wherein the negotiation activities further includes an agreement maker for determining criteria for establishing an agreement based on the received proposals.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.